

At the end, insert the following:
The provisions of this Act shall become effective in 2 days after enactment.

SA 5678. Mr. REID submitted an amendment intended to be proposed to amendment SA 5677 proposed by Mr. REID to the bill H.R. 2095, to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes; as follows:

In the amendment, strike “2” and insert “1.”

NOTICE OF INTENT TO OBJECT TO PROCEEDING

Mr. FEINGOLD, pursuant to the provisions of section 512 of Public Law 110-181, submitted his notice of intent to object to proceed to consider the resolution (S. Res. 626) expressing the sense of the Senate that the Supreme Court of the United States erroneously decided *Kennedy v. Louisiana*, No. 07-343 (2008), and that the eighth amendment to the Constitution of the United States allows the imposition of the death penalty for the rape of a child, dated July 25, 2008, for the following reasons:

It would be inappropriate for the U.S. Senate to express a view on this case at this time and in this manner, as the United States Supreme Court has asked the parties in this case and the Solicitor General of the United States to submit supplemental briefs in response to a Petition for Rehearing. The Senate should not intervene in this ongoing legal proceeding. Senators are free to express their opinions on how the Supreme Court should rule on the Petition through amicus briefs if they wish.

PRIVILEGES OF THE FLOOR

Mr. COCHRAN. Mr. President, I ask unanimous consent that Pete Evans, a fellow in the office of Senator DOMENICI, and Peggy Mallow, a member of his staff, be granted floor privileges for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS' BENEFITS IMPROVEMENT ACT OF 2008

Ms. LANDRIEU. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives with respect to S. 3023.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

S. 3023

Resolved, That the bill from the Senate (S. 3023) entitled “An Act to amend title 38, United States Code, to improve and enhance compensation and pension, housing, labor and education, and insurance benefits for veterans, and for other purposes”, do pass with an amendment.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House to the Senate bill and the motion to reconsider be laid upon the table; further, that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. Mr. President, as ranking member of the Senate Committee on Veterans' Affairs, I rise today to applaud the passage of S. 3023, the Veterans' Benefits Improvement Act of 2008. This veterans' benefits omnibus bill, which is now on its way to the President, will make a wide assortment of improvements to benefits programs for our Nation's veterans and their families.

I want to commend the chairman of the Senate Committee of Veterans' Affairs, Senator AKAKA, and our colleagues on the House Committee on Veterans' Affairs, Chairman FILNER and Ranking Member BUYER, for their efforts in crafting this compromise legislation. It reflects the bipartisan work of dozens of Members of both the House and Senate. The result of our work is an omnibus veterans' benefits bill with over 60 provisions that will allow more veterans to access VA-backed home loans, will expand access to independent living services for severely injured veterans, and will address VA's disability claims backlog, among many other valuable provisions.

I am particularly pleased that the bill includes an education benefit that draws its inspiration from a North Carolinian. Sarah Wade, spouse of Ted Wade, an Iraq War veteran who lost his right arm and has battled the effects of severe traumatic brain injury after an explosive detonated under his Humvee in 2004, has been at her husband's side as a primary caregiver from the beginning. She quit her job to take care of Ted and has doggedly ensured that he receives the highest quality of care. It is likely that her intensive involvement in Ted's ongoing recovery will last for several more years.

Sarah's effort on behalf of her husband leaves little time for herself. Sarah would one day like to go to school. Although VA provides an educational assistance benefit for the spouses of totally disabled veterans and servicemembers, the law requires that the benefit be used within 10 years of the date the veteran receives a total disability rating. For a spouse like Sarah Wade, there is next to no time to take advantage of this benefit within that timeframe. The recovery period for a TBI-afflicted veteran—the very period that Ted needs Sarah the most—simply precludes her from pursuing that option.

In recognition of hundreds of spouses like Sarah, the Veterans' Benefits Improvement Act of 2008 would extend from 10 to 20 years the period within which certain spouses of severely disabled veterans could use their education benefits. That longer window

will allow Sarah and others to focus on their first priority, the care of their injured spouses, while giving them some flexibility to pursue their educational goals later on. This provision is simply the right thing to do for those who have sacrificed so much.

Another provision I would like to mention would require human resource specialists in the Federal executive branch to receive training on the Uniformed Services Employment and Reemployment Rights Act, or USERRA. This law provides a wide range of employment protections to veterans, future and current members of the Armed Forces, and Guard and Reserve members. For returning servicemembers, it requires that they be given their jobs back when they return home. It also requires that they receive all the benefits and seniority that would have accumulated during their absence.

While every employer should strive to meet or exceed the requirements of USERRA, Congress has stressed that “the Federal Government should be a model employer” when it comes to complying with this law. In my view, this means the Federal Government should make sure that not a single returning servicemember is denied proper reinstatement to a Federal job. But unfortunately, this is not happening yet. The Federal Government often violates this law because Federal hiring managers simply don't understand what it requires or how to apply it.

That is why I championed a provision to require the head of each Federal executive agency to provide training for their human resources personnel on the rights, benefits, and obligations under USERRA. My hope is that this training will help prevent future violations of USERRA before they ever occur, so our returning servicemembers will not experience delays or frustrations in resuming their civilian jobs. In short, this provision will move the Federal Government toward becoming the “model employer” that it should be.

This bill also provides a number of enhancements to VA's Home Loan Guaranty Program, which are particularly important in light of the ongoing home loan crisis. For starters, the bill temporarily increases the maximum amount of VA's home loan guaranty from just over \$104,000 to more than \$182,000, allowing veterans purchasing homes in higher cost areas to benefit from a VA guaranty. Another key provision will significantly increase the maximum amount of VA's guaranty for refinance loans. This means veterans with large, high-interest conventional loans may be able to switch to lower interest rate VA-backed loans, helping them keep their homes by lowering their monthly payments.

Also, the bill would decrease from 10 percent to 0 percent the amount of equity required in order to refinance from a conventional loan to a VA-backed loan. So, even veterans who have seen declining home values may